

14129. Adulteration of butter. U. S. v. 4 Cubes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20917. I. S. Nos. 10428-x, 10429-x. S. No. W-1905.)

On February 15, 1926, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cubes of butter, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Desota Creamery Co., from Kennewick, Wash., on or about February 9, 1926, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Desota Creamery Co. Kennewick, Wash."

Adulteration of the article was alleged in the libel for the reason that butter containing less than 80 per cent of butterfat had been substituted for normal butter of good commercial quality.

On or about March 3, 1926, the Desota Creamery Co., Kennewick, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it not be sold or otherwise disposed of until reconditioned to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14130. Misbranding of feeding tankage. U. S. v. 20 Bags of Feeding Tankage. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20774. I. S. No. 357-x. S. No. C-3028.)

On January 19, 1926, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 bags of feeding tankage, at Scottsbluff, Nebr., alleging that the article had been shipped by the Western Seed Co., from Denver, Colo., on or about January 4, 1926, and transported from the State of Colorado into the State of Nebraska, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Feeding Tankage Analysis Protein 60%."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 60%," borne on the label, was false and misleading and deceived and misled the purchaser.

On February 25, 1926, the Western Seed Co., Denver, Colo., claimant, having admitted the allegations of the libel and having consented to the entry of a judgment of condemnation and forfeiture, a decree was entered, finding the product misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it be relabeled under the supervision of this department, "Protein 54%."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14131. Misbranding of butter. U. S. v. 1,344 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20909. I. S. No. 1528-x. S. No. C-4988.)

On February 15, 1926, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,344 cartons of creamery butter, at Shreveport, La., alleging that the article had been shipped by the Metzger Bros. Creamery Co., from Dallas, Tex., on or about February 11, 1926, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping case) "Metzger's Extra Fancy Butter Manufactured by Metzger Bros. Creamery Co. Dallas, Texas. Metzger Bros. Shreveport, La. Golden," (carton) "Golden Creamery Butter Golden Brand Shreveport, La. One Pound Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net Weight," borne on the label, was false and mis-

leading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On February 18, 1926, Walter Fisher, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that the said butter be properly molded, labeled, and branded.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14132. Adulteration of canned tomato pulp. U. S. v. 1,503 Cans of Tomato Pulp. Tried to the court. Judgment for the Government. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 20545. I. S. No. 6014-x. S. No. E-5541.)

On November 9, 1925, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,503 cans of tomato pulp, remaining in the original unbroken packages at Elwood, Ind., alleging that the article had been shipped by the Orestes Packing Co., from Farmingdale, N. J., and transported from the State of New Jersey into the State of Indiana, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On or about February 1, 1926, the Orestes Packing Co., Elwood, Ind., having appeared as claimant for the property, the case came on for trial before the court. After hearing the evidence the court found that the allegations of the libel were true, that a portion of the product was decomposed, that the remainder was not shown to have been decomposed, and that the entire lot should be forfeited and condemned. The claimant having paid the costs of the proceedings and petitioned for the release of the product under bond in the sum of \$2,500, in conformity with section 10 of the act, the court ordered the bond approved and the product released, said order providing that the product be salvaged under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14133. Misbranding and alleged adulteration of jellies and preserves. U. S. v. 400 Cases of Jelly and 100 Cases of Preserves. Consent decree entered, finding products misbranded and ordering their release under bond. (F. & D. No. 19424. I. S. Nos. 23023-v to 23032-v, incl. S. No. C-4599.)

On December 30, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of jellies and 100 cases of preserves, remaining in the original unbroken packages at Kansas City, Mo., alleging that the articles had been shipped by the Goodwin Preserving Co., Louisville, Ky., on or about October 3, 1924, and transported from the State of Kentucky into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The jellies were labeled in part: (Jar) "Summer Girl Brand Raspberry-Apple Pectin" (or "Apple Pectin" or "Grape-Apple Pectin" or "Currant-Apple Pectin") "Jelly * * * The H. D. Lee Mercantile Co. Kansas City, Mo." The preserves were labeled in part: (Jar) "Summer Girl Brand Strawberry" (or "Raspberry" or "Blackberry" or "Cherry" or "Peach" or "Pineapple") "Preserves With Apple Pectin."

Adulteration of the said jellies and preserves was alleged in the libel for the reason that they consisted in part of a substance, pectin, which had been mixed and packed with the said articles so as to reduce, lower, and injuriously affect their quality and strength. Adulteration was alleged with respect to the raspberry, grape, and currant jellies for the further reason that they were colored in a manner whereby damage and inferiority was concealed.

Misbranding of the jellies was alleged for the reason that the statements, "Raspberry-Apple," "Apple," "Grape-Apple," or "Currant-Apple," as the case might be, and "Pectin Jelly," and the statement, "The H. D. Lee Mercantile Co.," borne on the labels, were false and misleading and deceived and misled